

MINUTES
PHYSICIAN'S LICENSING BOARD
FEBRUARY 14, 2007
ROOM 474 HEBER M WELLS BLDG
160 E 300 S SALT LAKE CITY UTAH

CONDUCTING: George Pingree, MD Chair

CONVENED: 8:40 a.m.

ADJOURNED: 2:40 p.m.

MEMBERS PRESENT: George Pingree, MD
Stephen Lamb, MD
Lori Buhler, public member
Richard Sperry, MD
Michael Giovanniello, MD
Curtis Canning, MD
Sharon Weinstein, MD (9:55 a.m.)
Mason Stout, MD (12:00)

MEMBERS EXCUSED: Marc Babitz, MD
John Bennion, public member
James Fowler, MD

DIVISION STAFF: F. David Stanley, Division Director
Diana Baker, Bureau Manager
Shirlene Kimball, Secretary

TOPIC OF DISCUSSION:

DECISIONS AND RECOMMENDATIONS:

JANUARY 10, 2007 MINUTES: Approved as written.

F. DAVID STANLEY, NEW DIVISION DIRECTOR: Mr. Stanley was introduced and welcomed by Board members.

DIANA BAKER AGENDA REVIEW: Ms. Baker reviewed the agenda with Board members. She indicated Dr. Ellsworth is out of compliance because he missed urine screens, missed calling CVI, and has not submitted the documentation for aftercare, 12-Step or PIR meetings.

Dr. Yearsley appears to be out of compliance because his supervisor has not submitted chart reviews.

DIVIDED INTO GROUPS AT
9:00 A.M.

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GROUP 1
MINUTE TAKER: DIANA
BAKER

Members present: Dr. Sperry, Dr. Canning,
and Ms. Buhler.

PHILIP WASHBURN, MD
INTERVIEW:

Dr. Washburn was excused and will be
rescheduled for next month.

JAMES HOPKINS, MD
INTERVIEW:

Dr. Hopkins reported to the Board for yearly
update. He has had many of his health issues
resolved and he is feeling much better than he
has in years. He had been doing research at
the University of Utah until about December
2005 and was released due to many funding
cuts for research. He applied to residency
programs for retraining but was denied
primarily due to his being out of medical
school for more than 10 years. He was
unemployed for part of 2006, and has been
teaching math and health to junior high school
students since August 2006. He has been
looking for college level teaching but has not
had many contacts. He is taking education
courses through USU with the goal of college
level teaching.

GLADE CURTIS, MD
INTERVIEW:

Dr. Curtis has been doing well since his last
meeting with the Board. He has been asked
to work with House Call Medicine, but has not
yet begun seeing patients. He submitted all of
his required reports. He informed the Board
that he would not be available in May and
requested that he come back to the Board in
June for his next meeting.

GROUP II
SECRETARY: SHIRLENE
KIMBALL

Members present: Dr. Pingree, Dr. Lamb and
Dr. Giovanniello.

STEVEN YEARSLEY, MD
PHONE INTERVIEW:

Dr. Giovanniello conducted the interview. Dr.
Yearsley indicated he still needs to complete
the San Diego Course, but is waiting to see if
Nevada will also approve the course. He
stated things are going well; however, his
practice is slow at this time. He stated he no

longer prescribes to family members. Dr. Yearsley's supervisor, Dr. Crowley, submitted chart review paperwork. Dr. Yearsley is in compliance with the terms and conditions of his Order.

ALEXANDER THEODORE,
PHONE INTERVIEW:

Dr. Theodore was interviewed by Dr. Pingree. Dr. Pingree questioned whether or not Dr. Theodore plans to return to practice. Dr. Theodore indicated he is still having back problems and at this point he is not sure what his plans will be. Board members indicated until he returns to practice, a yearly interview will be sufficient.

MIA CARSON, MD
PHONE INTERVIEW:

Dr. Giovanniello conducted the telephone interview. Dr. Carson indicated things were going well. She stated she is working as the medical director for a health information technology company and reviews electronic medical records. She stated she has a small private practice working 15-20 hours per week and occasionally works in a community clinic. She stated her practice is a non-traditional practice where she treats chronic pain patients and those individuals in recovery for substance abuse. She stated she uses alternative therapies, works closely with an acupuncturist and does not use blocks or pharmaceuticals other than non-controlled prescription medications. She stated she had applied for hospital privileges, but was denied. She indicated her supervising physician is an anesthesiologist in her recovery group. She stated she continues seeing her therapist and has received positive evaluations. She stated she meets with the Hawaii Board representative every other month and will soon be moved to meeting with them quarterly.

RECONVENED TO FULL
BOARD AT 9:45 A.M.

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RANDAL ELLSWORTH, MD
INTERVIEW:

Dr. Sperry conducted the interview. Dr. Sperry indicated a non-compliance letter was sent to Dr. Ellsworth last week because he has not submitted PIR or 12-step attendance meeting reports since October; he has missed several urine screens and did not call CVI for the period of time he was out of state. Board members reminded Dr. Ellsworth that he needs to call CVI and continue with the urine screens even when he is out of state. Dr. Ellsworth indicated he understands. He submitted PIR attendance reports, but stated he does not attend 12-Step meetings because those meetings are uncomfortable for him. He questioned whether or not he could attend additional PIR meetings in lieu of 12-Step meetings. Dr. Sperry made a Motion to allow Dr. Ellsworth to attend 4 PIR meetings per month in lieu of attendance at 12-step meetings. Dr. Weinstein seconded the Motion. Discussion: Dr. Weinstein reminded Dr. Ellsworth that in the future, he needs to remain in compliance with the Stipulation and Order and do what is required instead of asking to change a condition of the Order after the fact. All Board members in favor of the Motion. Dr. Ellsworth is not currently working as a physician and stated he continues to look for another job, but because of liability issues, hasn't found anyone who will hire him. Board members encouraged Dr. Ellsworth to keep up to date on continuing education and suggested attending medical rounds. Dr. Ellsworth indicated he has been invited to go to Guatemala for several weeks in March. Board members indicated he will need to keep the Division informed when he will be out of the country. Dr. Ellsworth is now in compliance with the terms and conditions of his Order.

REPORT FROM SEPARATE
GROUP MEETINGS:

Mia Carson: Dr. Giovanniello made a Motion to meet with Dr. Carson every six months. Dr. Weinstein seconded the Motion. All Board members in favor.

JOHN SNEAD, MD
APPLICATION:

Dr. Sperry conducted the interview. Dr. Snead submitted an application for licensure. He has been out of practice since 1998 and recently passed the SPEX examination. Dr. Snead met with the Board and indicated he is living in Utah seven months out of the year and would like to find part time employment. He stated he is currently licensed in Virginia and keeps that license current with continuing medical education. He stated he retired from practice in 1998 and has decided he would like to return to practice part time in adolescent and child psychiatry. He stated he is Board Certified in general psychiatry and has no disciplinary action taken against his license. Dr. Sperry made a Motion to approve Dr. Snead for licensure. Dr. Weinstein seconded the Motion. All Board members in favor.

ALLEN NAYLOR, MD:

Dr. Lamb conducted the interview. Dr. Naylor and the center manager, Mark Fisher, met with the Board to discuss how the center operates and to address the Board's concerns regarding chaperons and other issues from last month.

Dr. Lamb conducted the interview. Mr. Fisher stated he is the center manager and reviews all HR and quality issues. Dr. Naylor is a contract employee and reports to Mr. Fisher. Dr. Naylor is a point of reference for medical staff. He does not review performance evaluations and doesn't hire or fire personnel. Mr. Fisher indicated that Dr. Naylor had discussed with him the circumstances regarding his probation with the Board, but stated he has not seen the Order. Dr. Lamb indicated that Dr. McNeal, the previous medical director, left employment at the center and had contacted the Division with concerns regarding the hiring of Dr. Naylor. Mr. Fisher indicated Dr. McNeal was disgruntled with the company and resigned. Mr. Fisher stated Dr.

McNeal was disgruntled with issues other than just the hiring of Dr. Naylor. Mr. Fisher indicated there was not adequate time to discuss Dr. Naylor's employment and there was never any intent to keep Dr. McNeal in the dark regarding Dr. Naylor's situation.

Dr. Lamb indicated Dr. McNeal alleged that clients sexually propositioned staff members on a daily basis. Mr. Fisher stated he doesn't think that happens very often and definitely not on a regular basis. Mr. Fisher stated the center sees both male and female clients and it is standard procedure for chaperons to be present. Mr. Fisher stated the client is not asked to disrobe, they are verbally interviewed, their heart and lungs are assessed while a chaperon is present, and if the staff member has any concerns, the interview can be halted. Dr. Giovanniello questioned whether or not there are specific people designated as chaperons? Mr. Fisher indicated no, the chaperon would be whoever is available. Mr. Fisher stated he understands as Dr. Naylor's supervisor, he would submit quarterly reports to the Board. Dr. Naylor provided the Board with an example of a daily signature chaperon log. Dr. Lamb made the Motion to allow Dr. Naylor to work at the plasma center as outlined in the practice plan with Mr. Fisher as the supervisor. A daily signature chaperon log shall be attached to the quarterly supervisor reports to be submitted to the Board. Dr. Canning seconded the Motion. Ms. Buhler was out of the room during the vote. All other Board members in favor of the Motion.

Board members questioned the prescriptions written by Dr. Naylor that appear on the controlled substance database. Dr. Naylor explained the prescriptions to the Board's satisfaction. Dr. Naylor also expressed concern with the minutes of Medical Board meetings with regard to his right to privacy.

He stated he did not know he was out of compliance with the terms and conditions of his Order until he read the minutes. Dr. Canning stated that privacy is a big concern; however, once the minutes are approved, they become public. Dr. Weinstein indicated more discretion may need to be used in the minutes.

PAUL BENSON, MD
NEW ORDER:

Dr. Giovanniello reviewed the Order with Dr. Benson. Dr. Benson explained the circumstances that brought him before the Board. He indicated he is an oral surgeon and is also licensed as a dentist. He indicated his dental license was also placed on probation. He questioned whether or not he would need to meet with both Boards. Board members indicated he would need to meet with them for a period of time before a determination would be made to allow him to only meet with the Dental Board. Dr. Benson stated he is in solo private practice. He indicated he has met with Dr. Brunson for the psychosexual evaluation and is waiting for the written evaluation. Board members indicated they would follow the recommendations of Dr. Brunson for any additional terms of the probation. Dr. Benson stated he meets with a therapist once a month, and attends weekly group meetings. Board members indicated he will need to submit a practice plan for approval by the Board and to identify a chaperon. Dr. Brunson stated he always has a chaperon present when treating female patients. He indicated that Kerri Jewkes, his office manager, will appoint the chaperon. He indicated Ms. Jewkes is aware of his situation and she will be meeting with him before the Dental Board on Friday. Board members indicated that if she meets with the Dental Board and has a clear understanding of what is expected from the Physician's Board, she will not be required to meet with the Physicians Board. Dr. Benson stated he understands the terms of

the Order.

LAYFE ANTHONY, MD
INTERVIEW:

Dr. Pingree conducted the interview. Dr. Anthony indicated the financing did not go through for the Heber City Clinic and, therefore, he has submitted a new practice plan. He would like to sublet office space from Dr. David Seegmiller, a podiatrist in Salt Lake City. The practice plan also requested permission to volunteer at the Free Clinic in Provo. Dr. Anthony stated he will continue to use Dr. VanKomen and Dr. Hamula as the supervising physicians. Dr. Anthony stated his association with Ms. Hensley has ended and he is no longer working with Dr. Civish because of costs for Dr. Civish. Supervision would be provided with his new practice plan proposal, but it would not be on site supervision. Dr. Weinstein made a Motion to approve the practice plan as submitted. Ms. Buhler seconded the Motion. Discussion: Board members questioned how the supervising physicians chose the charts to be reviewed? Dr. Anthony stated he chooses 10% of the charts and takes them to the supervisors. He indicated it is a random selection, he has a list of patients in the computer sorted by date, and then he has the computer pick the charts randomly. Board members indicated it would be better to send the supervising physicians a list of patients and have the supervisor pick out the charts to be reviewed. A friendly amendment to the motion was made to ensure the random selection of charts: change the method to provide a list of client initials or chart numbers to the supervising physician and have the supervising physician choose the charts to be reviewed. All Board members in favor of the Motion and the friendly amendment. Dr. Anthony indicated he submitted a letter of explanation regarding the missing controlled substance prescriptions discussed last month. He indicated he feels that there were two numbers in the prescription pad that were not

printed. He indicated he reviewed the controlled substance database to look for stray prescriptions and can account for all of those he has written.

ALAN HEAP, MD
NEW ORDER:

Dr. Weinstein conducted the interview. Dr. Heap and his supervising physician, Dr. Jay Spencer, met with the Board. Dr. Heap explained the circumstances that brought him before the Board and indicated he is a psychiatrist practicing in Tooele. Dr. Spencer is a family practice physician in Tooele. Dr. Heap stated he understands the terms and conditions of his Order. However, he had questions regarding where he would find the forms for writing triplicate prescriptions. Board members explained the process. The supervising physician questioned why writing the name of the pharmacy on the top of the prescription is a violation of the Pharmacy Practice Act. Board members stated that a physician can not tell a patient to go to a particular pharmacy. This has to be a choice by the patient, and writing the name of a pharmacy on the prescription may be interpreted that the prescription must be filled at only the indicated pharmacy. Dr. Spencer questioned how charts should be chosen for review and what is included in the review? Dr. Weinstein stated Dr. Heaps should provide a list of patients by initials or chart number, and then the supervisor chooses a percentage of charts to be reviewed. The Order does not require a specific percentage of charts to be reviewed, but in the past, the Board has suggested at least 10% of the charts where controlled substances have been prescribed. Dr. Spencer would be looking at the charts to see that there was a proper examination, that a diagnosis has been made with appropriate treatments prescribed, and that appropriate follow up has been completed. Dr. Weinstein suggested he follow the basic principles of practice and

indicated the 2004 FSMB model for Basic Principles of Practice is available online.

LUNCH BREAK 12:40 -1:00

DR. WEINSTEIN –
LEGISLATIVE REPORT:

Dr. Weinstein reviewed with Board members HB 137 regarding Pain Medication Management and Education; HB 302, Medical Examiner – Testing for Substances in Cases of suspected suicide; and HB 6, Controlled Substance Database Amendments.

CPEP PRESENTATION:

Presentation from the Center for Personalized Education for Physicians (CPEP) by Beth Korinik.

APPLICATIONS APPROVED
BY THE DIVISION:

Timothy Costa, MD
Evan Rosenbluth, MD
Heather Huffman-Dracht, MD
Michael De Tar, MD
Colin Jones, MD
Candice Teunis, MD
Karl Voelkerding, MD
David Blodgett, MD
Trevin Wallin, MD
Ryan Riggs, MD
Richard Van Leeuwen, MD
Jamie Conklin, MD
Sanjeev Bagga, MD
Brad Burlew, MD
Douglas Smith, MD
Jeremy Wallentine, MD
Lynne Levitan, MD
Dennis Winters, MD
Betsy Perry, MD
Priyanka Vakulabaranam, MD
Lorenzo Botto, MD
Donna Fischer, MD
Catherine Straub, MD
Meng Jing Huan, MD
Allan Wilson, MD
Warren Butterfield, MD

(ss) GEORGE PINGREE, MD
CHAIR

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(ss) DIANA BAKER
BUREAU MANAGER

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DATE